

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adopting Public Emergency Ordinance No. 888 – Extending Public Emergency Ordinance No. 887, Which Temporarily Increased the City Manager’s Purchasing Authority in Response to COVID-19, for an Additional 30 Days
DEPARTMENT:	City Manager’s Office
PRESENTED BY:	Debbie Tarry, City Manager
ACTION:	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

The Shoreline Municipal Code (SMC) Chapter 2.5 Purchasing sets limits for when the City Manager may authorize acquisition of materials, supplies, equipment, services, and public works. Above these set amounts, City Council approval is required before acquisition and/or contract execution. Given the public health emergency facing the nation, the State, and the City of Shoreline, the City Council adopted Public Emergency Ordinance No. 887 on March 23, 2020, that provided for a temporary increase in the City Manager’s purchasing authority in response to COVID-19 for a period of 30 calendar days from the effective date of the Ordinance. Ordinance No. 887 will expire on April 23, 2020.

On April 2, 2020, Governor Inslee extended the “Stay Home, Stay Healthy” order through May 4, 2020. Given this update and impacts to the City of Shoreline, the need for the temporary increase in the City Manager’s purchasing authority expressed in Ordinance No. 887 remains. Tonight, Council is scheduled to adopt public emergency Ordinance No. 888, which would extend the temporary increase in the City Manager’s purchasing authority provided in Ordinance No. 887 through May 23, 2020.

RESOURCE/FINANCIAL IMPACT:

Extending the City Manager’s temporary purchasing authority for an additional period of time will continue to potentially result in expenditures that exceed budgetary allocations. The future costs of responding to COVID-19 are unknown at this time due to the evolving conditions. With the Washington State declaration of a health emergency, local COVID-19 response efforts may be eligible for state or federal reimbursement. Until there is a final determination on potential reimbursement, all expenditures will be recorded and tracked and will use existing appropriations.

RECOMMENDATION

Staff recommends that the City Council adopt public emergency Ordinance No. 888, which extends the temporary increase in the City Manager's purchasing authority in response to COVID-19 until May 23, 2020 due to the Washington State Governor's Proclamation of May 4, 2020.

Approved By: City Manager ***DT*** City Attorney ***J-AT***

BACKGROUND

On March 23, 2020, the Washington State Governor issued his “Stay Home Stay Healthy” Proclamation 20-25 prohibiting people from leaving their homes except for essential activities and prohibiting all but essential businesses from operating. This Proclamation was effective until April 6, 2020. In addition, March 24, 2020, the Governor issued Proclamation 20-28 precluding the City Council from conducting in-person meetings with subsequent guidance stating that any business conducted should be limited to that which is “necessary and routine” or in response to COVID-19. On April 2, 2020, the Governor extended the “Stay Home Stay Healthy” Proclamation 20-25 to May 4, 2020 (see Proclamation 20-25.1). Staff anticipates that the Governor will extend Proclamation 20-28 accordingly. All of the Governor’s Proclamations can be reviewed at:

<https://www.governor.wa.gov/office-governor/official-actions/proclamations>.

Also, on March 23, 2020, the City Council, by unanimous consent, adopted Ordinance No. 887 to temporarily increase the City Manager’s purchasing authority as provided in Chapter 2.60 SMC and to provide clarity. Ordinance No. 887 is effective until April 23, 2020. The Staff Report for this action may be reviewed at:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/Agendas/Agendas2020/032320v2.htm>.

DISCUSSION

The need for the temporary increase in the City Manager’s purchasing authority expressed in the March 23 Staff Report remains. Namely, that SMC 2.60.040(C) provides uncertainty as to the City Manager’s purchasing authority during times of a declared emergency and that allowing for the increase ensures prompt response to the needs of Shoreline residents. Thus, staff recommends that the City Manager’s purchasing authority be further extended to May 23, 2020.

RESOURCE/FINANCIAL IMPACT

Extending the City Manager’s temporary purchasing authority for an additional time period will continue to potentially result in expenditures that exceed budgetary allocations. The future costs of responding to COVID-19 are unknown at this time due to the evolving conditions. With the Washington State declaration of a health emergency, local COVID-19 response efforts may be eligible for state or federal reimbursement. Until there is a final determination on potential reimbursement, all expenditures will be recorded and tracked and will use existing appropriations.

RECOMMENDATION

Staff recommends that the City Council adopt public emergency Ordinance No. 888, which extends the temporary increase in the City Manager’s purchasing authority in

response to COVID-19 until May 23, 2020 due to the Washington State Governor's Proclamation of May 4, 2020.

ATTACHMENTS

Attachment A – Public Emergency Ordinance No. 888

ORDINANCE NO. 888

A PUBLIC EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, EXTENDING THE EFFECTIVE DATE OF PUBLIC EMERGENCY ORDINANCE NO. 887, TEMPORARILY INCREASING THE PURCHASING AUTHORITY OF THE CITY MANAGER.

WHEREAS, on March 23, 2020, the Washington State Governor issued Proclamation 20-25, requiring people to stay home until April 6, 2020, except for essential activities, and prohibiting all but essential business from operating until April 8, 2020; and

WHEREAS, also on March 23, 2020, by unanimous consent, the City Council adopted Public Emergency Ordinance No. 887 temporarily increasing the City Manager's purchasing authority stated in Chapter 2.60 SMC until April 23, 2020; and

WHEREAS, on March 24, 2020, the Washington State Governor issued Proclamation 20-28 prohibiting in-person council meetings and limiting action to that which is necessary and routine or in response to COVID-19; and

WHEREAS, on April 2, 2020, the Washington State Governor extended Proclamation 20-25 until May 4, 2020; and

WHEREAS, extending the temporary increase in the City Manager's purchasing authority is necessary given the extension of Proclamation 20-25 so as to continue to ensure prompt response to Shoreline residents during the COVID-19 public emergency;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Affirming the Authority granted by Public Emergency Ordinance No. 887 and Extending the Effective Duration. The temporary increase in the City Manager or designee purchasing limits authorized by Section 1 of Public Emergency Ordinance No. 887 shall be extended until 11:59 pm Local Time on May 23, 2020, unless terminated sooner by the City Council. Section 2 City Council Authorization and Section 3 Record Management and Report to Council remain in full force and effect.

Section 2. Public Emergency Ordinance and Effective Date. The City Council hereby finds and declares that this Ordinance is a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace as stated in Resolution No. 454, and shall take effect and be in full force immediately upon its adoption by a majority vote plus one of the whole members of the Council and that the same is not subject to a referendum (RCW 35A.11.090). The underlying facts necessary to support this emergency declaration are included in the WHEREAS clauses above in addition to those of Public Emergency Ordinance No. 887, all of which are adopted by reference as findings of fact as if fully set forth herein.

Section 3. Publication. A summary of this Ordinance consisting of the title shall be published in the official newspaper.

PASSED BY THE CITY COUNCIL ON APRIL 20, 2020

Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik Smith
City Clerk

Margaret King
City Attorney

Date of Publication: April 23, 2020
Effective Date: April 20, 2020